## REMARKS

The Office Action mailed September 20, 2007 (hereinafter "Office Action"), rejected Claims 1-37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,662,231, issued to Drosset et al. (hereinafter "Drosset et al."). Applicants respectfully traverse this rejection. Claims 15, 18, 25, and 28-37 have been canceled and new Claims 38-42 have been added. Accordingly, Claims 1-14, 16, 17, 19-24, 26, 27, and 38-42 are pending in this application.

Pursuant to 37 C.F.R. § 1.111 and for the reasons set forth below, applicants respectfully traverse the Section 102(e) rejections and request reconsideration and allowance of the pending claims. Prior to discussing in detail why applicants believe that all of the claims in the present application are allowable in view of the cited and applied references, a brief description of the disclosed subject matter and brief descriptions of the teachings of the cited and applied references are provided. The following discussions of the disclosed subject matter and the cited and applied references are not provided to define the scope or interpretation of any of the claims of this application. Instead, these discussions are provided to help the United States Patent and Trademark Office better appreciate important claim distinctions discussed thereafter.

Disclosed Subject Matter

The disclosed subject matter sets forth a novel approach to using the so-called "play lists." As is well known, play lists identify tracks to be played. When applied to a user's set of tracks on a computer or portable media player, a play list comprises a list (typically an ordered list) of tracks located on the device that are to be played. When applied to a service, the play list identifies tracks that are available on the service that are to be played (and it typically an ordered list.) However, when a first user has a particularly desirable play list and further wishes to share that play list with another/second user, sharing the play list typically fails because (1) the second user likely doesn't have the same tracks on the second user's media player as the first user, (2) the second user's tracks may not be stored in the same location as the first user's tracks on the first



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user's device, and (3) the second user's tracks may be stored/available but in a different format from the first user.

In response to these deficiencies and others, the disclosed subject matter sets forth a system where playlists identify tracks according to globally unique identifiers. In playing the tracks of the playlist, a global track identifier is retrieved and a determination (such as a search) is made as to whether the track is locally accessible to the playing device. If so, the track is retrieved and played. Other embodiments include looking for the track in various formats according to alternative global track identifiers, and/or downloading a track from a remote location if the track is not locally accessible. In this manner, playlists can now be shared among users irrespective of the location and/or format of a particular track.

Drosset et al. - U.S. Patent No. 6,662,231

Drosset et al. purportedly discloses a method and system for providing audio service to a client through a communication network. According to its abstract, a user subscribes to the service and, once authorized, the user may access and stream out audio date files to a client device. A user purportedly may also maintain play lists on the server for playing out preselected audio streams. While a user may maintain a playlist on a server, Drosset et al. fails to disclose, teach or suggest a playlist with global track identifiers, each of which uniquely identifies a track independent of the track's location. Drosset et al. further fails to disclose, teach or suggest determining whether a track is locally accessible to a computing device and playing the track on the computing device if it is locally accessible, as positively recited in the pending claims. Rather, Drosset et al. purportedly describes streaming audio files from a server regardless of whether a track is locally accessible.

Rejection of Claims 1-12 Under 35 U.S.C. § 102(e)

The Office Action rejected independent Claims 1 and 7 under 35 U.S.C. § 102(e) as being anticipated by Drosset et al. Applicants respectfully traverse this rejection.

As amended, independent Claim 1 recites:



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> 1. A method for playing audio tracks on a computing device according to a globally relevant playlist, the method comprising:
>
> selecting a first track referenced by the globally relevant playlist, the first track being associated with a first global track identifier;
>
> **determining whether the first track is *locally accessible* to the computing device according to the first global track identifier**; and
>
> if, according to the previous determination, the first track is locally accessible to the computing device, playing the first track on the computing device. (Emphasis added.)

As amended, independent Claim 7 similarly recites:

> 7. A tangible computer-readable storage medium having computer-executable instructions which, when executed, carry out a method for playing audio tracks on a computing device, the method comprising:
>
> selecting a first track referenced by a globally relevant playlist, the first track being associated with a first global track identifier;
>
> **determining whether the first track is *locally accessible* to the computing device according to the first global track identifier**; and
>
> if, according to the previous determination, the first track is locally accessible to the computing device, playing the first track on the computing device. (Emphasis added.)

The Office Action recites various portions of Drosset et al. as teaching the features of these claims. As mentioned above, Drosset et al. purportedly describes a system for streaming audio to a client. (Drosset et al., Abstract.) However, Drosset et al. fails to disclose, teach or suggest determining if the track is locally accessible to the computing device. Indeed, Drosset et al. touts audio streaming as an important anti-piracy feature. (See Drosset et al., Col. 6, line 6-10.) Accordingly, applicants submit that Drosset et al. teaches away from the subject matter of the Claim 1, which determines whether the track is locally accessible.

In view of the above, applicants respectfully submit that Drosset et al. fails to disclose each element of independent Claims 1 and 7. Accordingly, applicants request that the rejection of Claims 1 and 7 under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

Claims 2-6 depend from Claim 1 and Claims 8-12 depend from Claim 7. Applicants respectfully submit that Claims 2-6 and 8-12 are allowable for at least the same reasons discussed above with regard to Claims 1 and 7, as well as because of the other features set forth



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therein. Specifically, nothing in Drosset et al. teaches or suggests obtaining a track from the remote location according to a global track identifier and a specified track format, as recited in Claims 3, 6, 9, and 12. Accordingly, applicants respectfully request withdrawal of the rejection of Claims 2-6 and 8-12 under 35 U.S.C. § 102(e) and allowance of the claims.

Rejection of Claims 13-28 Under 35 U.S.C. § 102(e)

The Office Action rejected independent Claims 13 and 23 under 35 U.S.C. § 102(e) as being anticipated by Drosset et al. Applicants respectfully traverse this rejection.

As amended, Claim 13 recites:

> 13. A method for downloading tracks from a computing device onto a player device according to a globally relevant playlist, the method comprising:
>
> selecting a first track encoded in a first format referenced by the globally relevant playlist, the first track encoded in the first format being associated with a first global track identifier;
>
> determining whether the first track encoded in the first format is locally accessible to the computing device according to the first global track identifier; and
>
> if, according to the previous determination, the first track encoded in the first format is locally accessible to the computing device, downloading the first track encoded in the first format from the computing device to the player device; and
>
> if, according to the previous determination, the first track encoded in the first format is not locally accessible to the computing device:
>
> determining a second global track identifier identifying the first track encoded in a second format;
>
> determining whether the first track encoded in the second format is locally accessible to the computing device according to the second global track identifier; and
>
> if, according to the previous determination, the first track encoded in the second format is locally accessible to the computing device, downloading the first track encoded in the second format from the computing device to the player device.

As amended, Claim 23 similarly recites:

> 23. A tangible computer-readable storage medium having computer-executable instructions which, when executed, carry out a method for downloading tracks from a computing device onto a player device, the method comprising:



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selecting a first track encoded in a first format referenced by a globally relevant playlist, the first track encoded in the first format being associated with a first global track identifier;

determining whether the first track encoded in the first format is locally accessible to the computing device according to the first global track identifier; and

if, according to the previous determination, the first track encoded in the first format is locally accessible to the computing device, downloading the first track from the computing device to the player device; and

if, according to the previous determination, the first track encoded in the first format is not locally accessible to the computing device:

determining a second global track identifier identifying the first track encoded in a second format;

determining whether the first track encoded in the second format is locally accessible to the computing device according to the second global track identifier; and

if, according to the previous determination, the first track encoded in the second format is locally accessible to the computing device, downloading the first track encoded in the second format from the computing device to the player device.

The Office Action recites various portions of Drosset et al. as teaching the features of these claims. Applicants respectfully traverse this rejection, and submit that Drosset et al. does not disclose, teach, or suggest determining whether a first track encoded in a first format is locally accessible to a computing device, and if not, determining a second global track identifier identifying the first track encoded in a second format, and determining whether the first track encoded in the second format is locally accessible to the computing device according to the second global track identifier, as recited in amended Claims 13 and 23. Further, as discussed above, applicants respectfully submit that Drosset et al. does not teach or suggest determining whether a track is locally accessible. Accordingly, applicants respectfully request withdrawal of the rejection of Claims 13 and 23 under 35 U.S.C. § 102(e) and allowance of the claims.

Claims 14, 16, 17, and 19-22 depend from Claim 13 and Claims 24, 26, and 27 depend from Claim 23. Applicants submit that Claims 14, 16, 17, 19-22, 24, 26, and 27 are allowable for at least the same reasons discussed above with reference to Claims 13 and 23, as well as because of other features set forth therein. Specifically, applicants respectfully submit that



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Drosset et al. does not disclose, teach or suggest, on a computing device, converting a track encoded in a first format to a format compatible with a player device, and downloading the converted track from the computing device to the player device, as recited in amended Claims 19-22. Accordingly, applicants respectfully submit that Claims 14, 16, 17, 19-22, 24, 26, and 27 are patentable over the cited references and respectfully request withdrawal of the rejection of Claims 14, 16, 17, 19-22, 24, 26, and 27 under 35 U.S.C. § 102(e) and allowance of the claims.

## CONCLUSION

In view of the foregoing amendments and remarks, applicants submit that Claims 1-14, 16, 17, 19-24, 26, 27, and 38-42 are in condition for allowance over the cited and applied references, and respectfully request reconsideration and allowance of the same. The Examiner is invited to contact applicants' attorney at the number provided below to resolve any issues that may arise in order to advance prosecution of this application.

Respectfully submitted,

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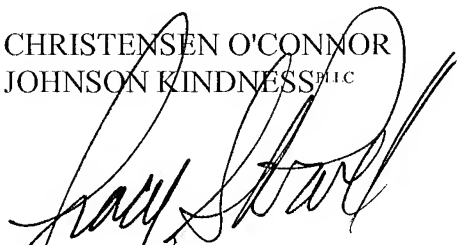

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